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CONSTITUTION
OF THE
REPUBLIC OF COLOMBIA.

WITH
AN HISTORICAL INTRODUCTION

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NOTE.

This Constitution, by means of the numbers at the bottom of the pages, is paged continuously with the Constitution of the United States of Mexico, which was the first article in Volume II. of the ANNALS and was issued in a separate edition as No. 27 of the Publications of the Academy.

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ANTECEDENTS.

The territory which at present belongs to the Republic of Colombia was known throughout the colonial period as the New Kingdom of Granada. Later, in union with Venezuela and Ecuador, it formed a part of the Republic of Colombia ; and after the dissolution of this union it was the seat of the Republic of New Granada.

The individual political existence of this region began when, in 1663, it was separated from the viceroyalty of Peru. It was then organized as a presidency under Andres Venero de Leiva, who, as president appointed by the King of Spain, exercised within the limits of his presidency all those powers which had previously been held by the viceroy of Peru. The head of the government retained the title of president till 1719, when New Granada was made a viceroyalty ; but five years later, in 1724, the presidency was restored, and was continued till 1740. In this year the viceroyalty was re-established.

The viceroyalty bore the title of the New Kingdom of Granada, and embraced the provinces of Terra Firma (State of Panama), Cartagena (State of Bolivar), Santa Marta and Riohacha (State of Magdalena), Maracaybo, Caracas, Cumana and La Guayana (Republic of Venezuela), Antioquia (State of Antioquia), Pamplona and Socorro (State of Santander), Tunja (State of Boyaca), Santa Fé (State of Cundinamarca), Neiva and Mariquita (State of Tolima), Popayan and Pasto (State of Cauca), and Quito, Cuenca and Guayaquil (Republic of Ecuador). In 1777 the provinces of Maracaybo, Caracas, Cumana and Guayana were separated

from the Kingdom of Granada and organized as a captaincy-general under Manuel Antonio de Florez.

The influence of the French Revolution of 1789 was felt to such an extent in New Granada that but for the prompt and vigorous action of the viceroy, Ezpeleta, the beginning of the Spanish-American rebellion might have been anticipated by a number of years. The leaders in the agitation were seized and transported to Spain, where, without being tried, or even heard, they were sent to the galleys.

But this and all other remedies had only temporary effects. In the spring of 1810 the opponents of the Spanish authorities assumed a more determined attitude, and began to organize for action. In July the government of the viceroy was overthrown, and after his departure for Spain the supreme authority was vested in a council of thirty-seven members, divided into six sections, each of which was charged with one of the departments of government. But the provinces were not all equally eager for the change. While Cartagena, Socorro and Pamplona had even anticipated the action of the capital, Santa Marta, Pasto and others still held to Spain. In May Cartagena had formed a council, arrested the governor, and sent him out of the country. The several provinces had no clear and definite plan or end in view, and acted without much reference to one another; but on the twenty-ninth of July the councils that had been formed in Bogota invited the provinces to send representatives to the capital, one for each province, for the purpose of forming a provisional government, and of summoning a congress which might act for the whole kingdom. The council of Cartagena desired that the representation in the proposed congress should be in proportion to the population; and for the time being

the plan for a general government was defeated by the diverse and immature views of the different provinces. Finally, however, on the twenty-fifth of December, 1810, the first congress of the united provinces was assembled at Bogota. Its action helped to emphasize the immaturity and vagueness in the views of the members. It decreed a constitution "which created the Republic of Cundinamarca, at the same time accepting the King of Spain as its recognized chief, with a president elected by the congress, but who should govern in the name of the king. Ferdinand VII. was then recognized, and the congress elected a president and vice-president empowered to govern for him."¹ Both the president and the vice-president took possession of their offices in 1811, and resigned them the same year on account of the difficulties which they encountered in attempting to organize a government. The conflict between the advocates of federation and centralization was the most conspicuous hindrance to progress in the cause of independence. It was in one sense a struggle between the capital, which wished to dominate, and the provinces, which wished the largest measure of freedom. The constitution of the Republic of Cundinamarca was a recognition of the federal form, but its adoption did not put an end to the activity of the centralists. Antonio Nariño was their leader, and his efforts were not always without a strong personal motive. He had intrigued for the resignation of the president, and he wished to form a great centralized State, with himself at the head, and Bogota as the capital. But in spite of Nariño's strong advocacy of centralization, the deputies of the provinces held firmly to the federal system. There was still no effective government. Nariño was persistently

¹ Pereira, "Les États-Unis de Colombie," p. 25.

opposed to the federal congress, and the province of Cundinamarca, where his influence was dominant, was never by its will incorporated into the union. But "after many fruitless negotiations and three wars between Cundinamarca and the provinces represented in the congress, the incorporation was effected by force in December, 1814, as a result of the campaign of Bolivar, general of the union, against Bogota, which surrendered."¹ As long as the centralists held the upper hand in Cundinamarca, it was found convenient for the congress to reside in the city of Tunja, but in 1815, after the victory of the federalists, it was transferred to Bogota. Of the important governmental changes effected by the congress, three are conspicuous: (1) that of October 28, 1812, which separated the executive power from the congress, and entrusted it to the president of that body; (2) that of September 23, 1814, which combined the departments of war and finance, conferred the executive power on a triumvirate, and suspended the legislative powers of the provincial governments; (3) that of November 15, 1815, which placed the executive power in the hands of a dictator for six months.²

In the meantime the declaration of complete independence had been issued (1813), but the party of liberty was unable to maintain this independence in fact. Bogota fell into the hands of the Spanish party, the liberal army was practically annihilated, and a reign of terror followed. Finally, in 1819, Bolivar, with an army composed largely of foreign auxiliaries, crossed the mountains from Venezuela and brought the desired relief to the patriots of Colombia. The complete victory of the generals, Santander and Anzoategui, put an end to the reign of

¹ Arosemena, "Estudios Constitucionales sobre los Gobiernos de la America Latina." II., 32.

² *Ibid.*, II., 33.

terror and revived the republic, but not until seven thousand persons, belonging to the principal families of the kingdom, had been shot. The extension of the results of this victory over the neighboring regions was followed by the union of Venezuela and New Granada, and the establishment of the Republic of Colombia, December 17, 1819, under the following fundamental law :

"ARTICLE 1. The republics of Venezuela and New Granada shall be from this day united in one, under the glorious title of the Republic of Colombia.

"ART. 2. Its territory shall be that which was embraced in the ancient captaincy-general of Venezuela and the viceroyalty of the New Kingdom of Granada, including an area of 115,000 square leagues, whose exact limits shall be fixed under more favorable circumstances.

"ART. 3. The debts which the two republics have contracted separately are recognized *in solidum* by this law as the national debt of Colombia, to the payment of which all the goods and properties of the state are pledged, and the most productive branches of the public revenue shall be destined.

"ART. 4. The executive power of the republic shall be exercised by a president, and in his absence by a vice-president, both to be appointed provisionally by the present congress.

"ART. 5. The Republic of Colombia shall be divided into three great departments, Venezuela, Quito and Cundinamarca, which shall comprehend the provinces of New Granada, which name from to-day shall be suppressed. The capitals of these departments shall be the cities of Caracas, Quito and Bogota, the addition of Santa Fé being rejected.

"ART. 6. Each department shall have a superior administration and a chief appointed, for the present, by this congress, with the title of vice-president.

"ART. 7. A new city, which shall bear the name of the liberator, Bolivar, shall be the capital of the Republic of Colombia. Its plan and situation shall be determined by the first general congress, with the view of adapting it to the necessities of the three departments, and to the greatness to which this opulent country is destined by nature.

"ART. 8. The general congress of Colombia shall meet on the first of January, 1821, in the city of Rosario de Cucuta, which, all circumstances considered, appears to be the place best adapted to the purpose. Its summons shall be issued by the president of the republic on the first of January, 1820, who shall communicate at the same time the regulation for the elections, which shall be formed by a special committee and approved by the present congress.

"ART. 9. The constitution of the Republic of Colombia shall be formed by its general congress, to which shall be presented as a project that which the present congress has decreed, and which, with the laws given by the same, shall, by way of experiment, be put immediately into operation.

"ART. 10. The arms and the flag of Colombia shall be decreed by the general congress; in the meantime the arms and the flag of Venezuela shall be used, as being better known.

"ART. 11. The present congress shall take a recess on the fifteenth of January, 1820, it being necessary to proceed to new elections for the general congress of Colombia.

"ART. 12. A committee of six members and a president shall remain in lieu of the congress, with special attributes which shall be determined by a decree.

"ART. 13. The Republic of Colombia shall be solemnly proclaimed in the towns and in the armies, with festivals and public rejoicings, those in the capital to be carried out on the twenty-fifth of the present December in celebrating the birth of the Saviour of the world, under whose patronage has been achieved this desired union, by which the state is to be regenerated.

"ART. 14. The anniversary of this political regeneration shall be celebrated perpetually with a national festival, in which, as those of Olympia, virtues and talents shall be rewarded.

"The present fundamental law of the Republic of Colombia shall be solemnly proclaimed in the towns and in the armies, inscribed in all the public registers, and deposited in all the archives of the chapters, municipalities and corporations, ecclesiastical as well as secular."

The general congress met in accordance with the provisions of this law, only at a later date, May 6, 1821. It contained freely and legally-elected deputies from twenty-two provinces. It reviewed the terms of the articles of union; and, as they were finally adopted, "they show that in the congress the ideas of unity and centralization in the government had triumphed over federalism, preserving in the government, however, the democratic form which the constitutions of Caracas and Guayana had given it."¹ The constitution which was formed by this congress was proclaimed on the thirtieth

¹ Baralt, "Resumen de la Historia de Venezuela," Curazao, 1887, III., 70.

of August.¹ This congress, moreover, decreed "the liberty of the sons of slaves born on the soil of the republic; it accorded religious liberty to foreigners and their descendants; it suppressed the most unpopular taxes; it ordered the establishment of primary schools in all the villages and high schools in all the principal cities of the republic; and organized the political and judicial administration." But in view of the outrages of a barbarous war, and under the dominion of Bolivar's dictatorial authority, the constitution and the laws were often silent and ignored.

In 1824 the victories of Junin and Ayacucho and the taking of Puerto Cabello ended the war of independence. The end of this war gave opportunity for the development of internal difficulties. The ideas of the federalists had become widely accepted, and they furnished the principles of a party in opposition to the existing constitution and the centralist views and efforts of Bolivar. A convention was summoned to meet at Ocana for the purpose of amending the constitution, which was opened on the seventh of August, 1828. "The federalists being there in the majority, the deputies, who were partisans of Bolivar, withdrew without considering the great responsibility which they threw upon their chief, who was naturally accused of having dissolved the conven-

¹ For an English translation of it, see anonymous work entitled, "Colombia: being a geographical, statistical, agricultural, commercial and political account of that country." London, 1822, Vol. II., pp. 610-541. For a statement and discussion of the contents see Beralt, III., pp. 70-75. A conspicuous point of weakness is found in Article 128, which is as follows: "In case of interior commotion menacing the security of the republic, and in that of exterior and sudden invasion, the president may, with the previous accord and consent of congress, direct all those extraordinary means which may be indispensable, and which are comprehended in the natural sphere of his attributes. If the congress should not be assembled, he shall have the same power by himself; but he shall convoke it without the least delay, in order to proceed according to its resolution. This extraordinary authority shall be exclusively limited to the times and places absolutely necessary."

tion."¹ Bolivar was then declared dictator, but this attempt to carry out his ideas of a "strong" government had only an unhappy outcome. A conspiracy was formed against his life, and insurrections throughout the country revealed the hopelessness of dictatorial rule. Appreciating his inability to stay the ruin of the republic Bolivar resigned the dictatorship, and soon after died at Santa Marta, December 17, 1830.

In the period of confusion immediately preceding and following the death of Bolivar, the Republic of Colombia was broken up into smaller States. The departments of the south, Ecuador, Azuay and Guayas formed the Republic of Ecuador; those of the north, Orinoco, Venezuela, Apure and Zulia became the Republic of Venezuela; and those of the centre, Boyaca, Cundinamarca, the Isthmus, Magdalena and Cauca were united in the Republic of New Granada. A convention, which met in October, 1831, declared, by a vote of thirty-one to thirty, that "the provinces of the centre of Colombia shall form a State with the name of New Granada, and it shall be constituted and organized by the present convention."² In the meantime the constitution which had been formed by the convention of 1830 was provisionally in force, but was superseded February 29, 1832, by that which organized the Republic of New Granada. In this constitution the "essential and irrevocable sovereignty" of the nation was declared, and the public functionaries, with whatever authority clothed, were asserted to be the agents of the nation. The government was described to be "republican, popular, representative, elective, alternative, and responsible." The congress was composed of two

¹ Pereira, "Les États-Unis de Colombie," p. 43.

² Perez (Felipe), "Geografía General de los Estados Unidos de Colombia," 1883, I., 58.

houses, the senate and house of representatives, meeting each year. The president and vice-president were elected by electoral assemblies for periods of four years. Provision was made for three secretaries, one for the interior and foreign relations, one for the treasury, and one for war and the navy. The vice-president and the secretaries formed the cabinet, but the president was not obliged to follow their advice. There was also a council of state, composed of seven councilors, appointed by congress, but never more than one from any province at any given time. Justice was to be administered by a supreme court of justice and the other tribunals which the law might establish. The territory of the republic was divided into provinces, the provinces into cantons, and the cantons into parochial districts. There were at this time fifteen provinces: Antioquia, Barbacoas, Bogota, Cartagena, Cauca, Magdalena, Neiva, Panama, Pasto, Pamplona, Papayan, Socorro, Tunja, Velez and Veraguas. The chief magistrate of each province was a governor dependent on the president of the republic, and regarded as his immediate constitutional agent. In each province, also, there was a provincial assembly composed of deputies from the cantons, who were elected for periods of two years.

From the beginning of the movement for independence a large number of the patriots had held to the federal state as their preferred model. About the middle of the century their demands for a change in the political organization were distinctly heard, and in 1858 the first federal constitution was adopted. This constitution recognized States that had been created by previous laws. Panama had come into existence by the law of February 27, 1855; Antioquia, by the law of June 11, 1856; Bolivar and Santander, by the law of

May 13, 1857; Boyaca, Cauca, Cundinamarca and Magdalena, by the law of June 15, 1857. The federal state established by the constitution of 1858 was called the *Granadian Confederation*. This government did not, however, give the country peace. While the civil war which followed its establishment still continued, the federalists "recognized General Mosquera as the supreme political and military authority."¹ Under his rule Bogota became a federal district, the State of Tolima was created out of a part of the territory of Cundinamarca (April 12, 1861), Colombia became the name of the nation, and a congress of plenipotentiaries of the States was assembled. On the twentieth of September, 1861, this congress formed the Compact of Union of the States. On the fourth of February, 1863, a national convention met at Rionegro. This convention accepted the resignation of General Mosquera, and created a collegiate executive, composed of five ministers, "each of whom was to govern, with absolute independence of the others, the department over which he was placed."² The constitution formed by this convention was dated May 8, 1863.³ It adopted the name, *United States of Colombia*, which had been given in the Compact of Union of the States.

The federal Constitution of 1863 was clearly formed on the model of the Constitution of the United States of America. It remained in force until 1886, when it was superseded by a law which gave the state a centralized organization, and named it the *Republic of Colombia*. The following is a translation of the constitution of 1886.

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¹ His title was: *Presidente provisorio de los Estados Unidos de Nueva Granada, Supremo Director de la guerra*.

² Perez, I., 68.

³ The text of this constitution is printed in Arosemena, "Estudios Constitucionales," II., 1-23.

CONSTITUTION.

PREAMBLE.

In the name of God, the supreme source of all authority, the delegates of the Colombian States of Antioquia, Bolivar, Boyaca, Cauca, Cundinamarca, Magdalena, Panama, Santander, and Tolima, in national constituent convention assembled ; in view of the approval given by the municipalities of Colombia to the basis of a constitution on the first day of December, 1885, and with the object of strengthening the national unity and of ensuring the benefits of justice, liberty and peace, have agreed to decree, and do hereby decree, the following

POLITICAL CONSTITUTION OF COLOMBIA.

TITLE I.

OF THE NATION AND THE TERRITORY.

ARTICLE I. The Colombian nation is reorganized as a centralized republic.

ART. 2. The sovereignty resides essentially and exclusively in the nation, and from it emanate the public powers which shall be exercised within the limits prescribed by this Constitution.

ART. 3. The boundaries of the Republic are the same as those which in 1810 separated the viceroyalty of New Granada from the captaincies-general of Venezuela and Guatemala, from the viceroyalty of Peru, and from the Portuguese possessions of Brazil ; and provisionally, with respect to Ecuador, those designated in the treaty of July 9, 1856.

The lines separating Colombia from contiguous nations shall be definitely fixed by public treaties, which may be negotiated without reference to the principle of *uti possidetis* recognized in 1810.

ART. 4. The territory, together with the public property therein contained, belongs exclusively to the nation.

The sections which composed the Colombian Union, and were called States and national Territories, shall continue to be parts of the territory of the Republic of Colombia, retaining their present limits under the name of departments.

All doubtful boundary lines shall be determined by commissions of surveyors appointed by the Senate.

The ancient national territories are hereby incorporated with the sections to which they originally belonged.

ART. 5. The law may decree the formation of new departments, by dividing those already existing, when this may have been asked for by four-fifths of the municipal councils of the territory to be embraced in the new department, subject always to the following conditions :

I. That the new department shall contain, at least, two hundred thousand inhabitants.

II. That the department or departments out of which the new one may be created shall each retain a population of at least two hundred and fifty thousand inhabitants.

III. The law creating the new department shall be enacted by two successive regular legislatures.

ART. 6. The present limits of the departments shall not be changed except by a law enacted in the manner directed in the last clause of the preceding article.

Congress may, by means of a law enacted in the usual manner, and without the above-mentioned condition, separate the territories referred to in Article 4, and the

islands, from the departments in which they are now incorporated or to which they have belonged, and dispose of them as it may deem proper.

ART. 7. Besides the general divisions of the territory, there shall be other divisions within the limits of each department for the regulation of the public service.

The divisions relating to finance, military affairs and public instruction shall not coincide with the general divisions.

TITLE II.

OF THE INHABITANTS : NATIVE AND FOREIGN.

ART. 8. Colombian citizens are :

I. By birth : Those who are citizens of Colombia under one of the two following conditions : That the father or the mother may also have been a citizen of Colombia, or that, being children of foreigners, they are domiciled in the Republic.

The legitimate children of a Colombian father and mother who may have been born in a foreign country and soon after become domiciled in the Republic, shall be considered Colombians by birth for the purposes of the laws which require this qualification.

II. Origin or residence : Those who are born in a foreign country of a Colombian father or mother, and are domiciled in the Republic, and all Spanish-Americans who, before the municipal authorities of the place where they reside, may request to be inscribed as Colombians.

III. By adoption : Foreigners who apply for and obtain letters of naturalization.

ART. 9. The status of Colombian citizen is forfeited by obtaining letters of naturalization in a foreign country and fixing residence in it ; and it may be recovered under laws enacted for that purpose.

ART. 10. It is the duty of all citizens and foreigners in Colombia to live in submission to the Constitution and the laws, and to respect and obey the authorities.

ART. 11. Foreigners shall enjoy in Colombia the same rights that are conceded to Colombians by the laws of the nation to which the foreigner belongs, except those which are stipulated in public treaties.

ART. 12. The law shall define the condition of resident foreigners, and the special rights and obligations of those who find themselves in this condition.

ART. 13. Any Colombian, although he may have lost his citizenship, who may be taken with arms in his hands in war against Colombia, shall be tried and punished as a traitor.

Naturalized foreigners, and those residing in Colombia, shall not be obliged to bear arms against the country of their birth.

ART. 14. Societies and corporations which in Colombia are recognized as artificial persons, shall have no other rights than those accorded to natural persons who are Colombians.

ART. 15. All male Colombians more than twenty-one years of age, who exercise a profession, art, or trade, or have a lawful occupation or other legitimate and known means of support, are citizens.

ART. 16. Citizenship is lost when nationality is lost. He also loses the quality of citizenship who is found in one of the following cases, judicially declared :

I. Having engaged in the service of a nation at war with Colombia.

II. Having belonged to a faction in rebellion against the government of a friendly nation.

III. Having been condemned to suffer corporal punishment.

IV. Having been removed from public office by means of a criminal judgment, or of an act affecting his civil responsibility.

V. Having committed acts of violence, falsehood, or corruption in elections.

All persons who may have lost their citizenship may petition the Senate for restoration.

ART. 17. The exercise of the rights of citizenship is suspended :

For notorious mental aberration :

For judicial interdiction ;

For habitual drunkenness ;

For charges pending criminal proceedings, and after the issue of a warrant of arrest.

ART. 18. The quality of active citizenship is an indispensable condition precedent to the exercise of the right of voting, and of holding any public office of authority or power.

TITLE III.

OF CIVIL RIGHTS AND SOCIETY GUARANTEES.

ART. 19. The authorities of the Republic are established to protect all persons residing in Colombia in their lives, honor and property, and to secure the mutual respect of national rights, preventing and punishing crimes.

ART. 20. Private persons are not answerable to the authorities except for violations of the Constitution or the laws. Public officers are answerable in the same manner, as well as for exceeding their powers and for failing to execute them.

ART. 21. In case of a manifest violation of a Constitutional provision to the injury of any person, the order of a superior shall not exempt from responsibility the agent who may execute it.

The soldiers in actual service are exempted from this provision. With respect to them, the responsibility shall devolve only on the superior who gives the order.

ART. 22. There shall be no slaves in Colombia. Any person being a slave, who shall enter the territory of the Republic, shall be free.

ART. 23. No one shall be molested in his person or family, nor imprisoned, nor arrested, nor shall his domicile be searched, except upon a written warrant from competent authority, issued with all legal formalities, and for an offence previously defined by law.

In no case shall there be detention, imprisonment, or arrest for debts and obligations purely civil, except by judicial order.

ART. 24. He who is taken in the actual commission of an offence may be arrested and carried before the judge by any person. If the police pursue him and he take refuge in his own dwelling, they may enter therein for the purpose of arresting him ; and if he seek asylum in the dwelling of another person, requisition for him should be previously made to the owner or tenant thereof.

ART. 25. No person shall be obliged in criminal or police proceedings to testify against himself or against his relatives within the fourth civil degree of consanguinity or the second degree of affinity.

ART. 26. No person shall be tried except in conformity with laws enacted prior to the commission of the offence with which he is charged, before a competent tribunal, and under all the forms of the law in each case provided. In criminal matters, the lenient or favorable law, even when enacted after the commission of the offence charged, shall be applied in preference to the restrictive or unfavorable law.

ART. 27. The preceding provision does not prevent punishment being administered without previous trial in the cases and within the precise limits which the law shall indicate :

I. By those officers exercising authority or jurisdiction, who may punish with fines or imprisonment any person who injures them, or is wanting in respect toward them in the discharge of their official duties.

II. By military superiors, who may inflict instant punishment in order to subdue insubordination or a military mutiny, or to maintain discipline in the presence of the enemy.

III. By captains of vessels, who, not being in port, have the same power to repress the commission of crimes on board.

ART. 28. Even in time of war, no person shall be punished *ex post facto*, but only according to the law, order, or decree in which the act shall have been previously prohibited and the punishment prescribed for its commission.

This provision shall not prevent that, even in time of peace, there being serious reasons to fear a disturbance of the public order, persons against whom there are grave suspicions that they have attempted to commit a crime against the public peace may be arrested and retained upon the order of the government and the previous judgment of the ministers.

ART. 29. The legislature shall only prescribe death as a punishment for the cases which are defined as the gravest, the following crimes juridically proven, to wit : Treason to one's country in a foreign war, parricide, assassination, arson, assault in a gang of malefactors, piracy, and certain military crimes defined by the military laws.

At no time shall the death penalty be inflicted except in the cases provided in this article.

ART. 30. There shall be no penalty of death for political offences. These shall be defined by law.

ART. 31. Rights acquired by natural and artificial persons, under a just title and according to the civil laws, shall not be disavowed by laws enacted subsequently.

When from the application of a law enacted for the public welfare there would result a conflict between private interests and the need recognized by the law itself, the private interest shall yield to the public interest. But for the expropriations which it may be necessary to make there shall be required full indemnity, in accordance with the following article.

ART. 32. In time of peace no person shall be deprived of his property wholly or in part, except as a punishment, or judicial compulsion, or indemnity, or general contribution, in accordance with law.

For grave reasons of public utility, to be defined by the legislature, forcible alienation of property may take place, by means of a judicial mandate, and the owner of the property shall be indemnified for its value before the expropriation is confirmed.

ART. 33. In case of war, and solely for the purpose of effecting the restoration of public order, the necessity for expropriation may be decreed by authorities not invested with judicial power, and without previous indemnification.

In the above-mentioned case immovable property alone shall be temporarily occupied, either to meet the necessities of the war, or to use for this purpose its products, as a pecuniary penalty imposed upon its owners in accordance with the laws.

The nation shall always be responsible for the expropriations made by the government or by its agents.

ART. 34. The punishment of confiscation shall not be imposed.

ART. 35. Inventions and literary compositions shall be protected like movable property during the life-time of the author and for eighty years thereafter, by means of formalities which the law shall prescribe.

The same guaranty shall be offered to the owners of works published in countries where the Spanish language is spoken, provided that the respective nation reciprocate the provision in its legislation without the necessity of declaring it through international treaties.

ART. 36. The purpose of donations *inter vivos*, or by testament made in conformity with the law, for objects of charity and public instruction, shall not be diverted or modified by the legislature.

ART. 37. In Colombia there shall be no real estate that may not be transferred freely, nor shall there be any irredeemable obligations.

ART. 38. The Roman Catholic Apostolic religion shall be the religion of the nation; the public authorities shall protect it, and cause it to be respected as an essential element of the social order.

It is understood that the Catholic Church is not and shall not be an established church, and it shall preserve its independence.

ART. 39. No person shall be molested on account of his religious opinions, nor compelled by the authorities to profess tenets, nor to observe practices, contrary to his convictions.

ART. 40. The exercise of all forms of worship, not opposed to Christian morals or the law, is permitted.

All acts opposed to Christian morals, or subversive of the public order, which may be performed on the occasion of, or as a pretext for, the exercise of religious worship, shall be subject to punishment by law.

ART. 41. Public education shall be organized and directed in accordance with the Catholic religion.

Primary instruction paid for out of the public funds shall be gratuitous, and not compulsory.

ART. 42. The press shall be free in time of peace ; but responsible, under the laws, for injuries to personal honor, and for disturbance of the social order or the public tranquillity.

No periodical publication shall, without the permission of this government, receive pecuniary aid from other governments or from foreign companies.

ART. 43. All correspondence confided to telegraph companies and the post offices shall be inviolable. Letters and private papers shall not be intercepted or examined, except by authority, under the order of a competent officer in such cases and with such formalities as the law may establish, and for the sole purpose of procuring testimony in judicial investigations.

The circulation of printed matter through the post offices may be taxed, but shall never be prohibited in time of peace.

ART. 44. Any person may pursue any honorable trade or occupation without the necessity of belonging to any guild or other association.

The authorities shall inspect all industries or professions in their relation to morals, society and public health.

The law may exact proofs of competency for the practice of the medical profession and its branches.

ART. 45. Any person shall have the right to present respectful petitions to the authorities, whether for

reasons of general or of private interests, and to secure prompt attention.

ART. 46. All classes of persons may meet in peaceful assemblies. The authorities may disperse any assembly that degenerates into disorder or tumult, or that obstructs the public roads.

ART. 47. The formation of companies or associations, either public or private, which are not opposed to morality or the legal order, shall be permitted.

All popular political organizations of a permanent character shall be prohibited.

All religious associations, in order that they may remain under the protection of the laws, shall present to the civil authority authorization issued by their respective ecclesiastical superiors.

ART. 48. The government alone shall import, manufacture and own arms and munitions of war.

No person shall be permitted to carry arms in towns without permission from the authorities. This permission shall in no case be given to persons attending political meetings, or elections, or sessions of assemblies, or public corporations, whether it be to participate in them, or to be present as spectators only.

ART. 49. Legitimate and public corporations shall have the right to be recognized as artificial persons, and to execute in virtue thereof civil acts, and to enjoy the guarantees assured by this title, under such general limitations as the laws may establish for the sake of the common good.

ART. 50. The laws shall determine the civil status of all persons, and their consequent rights and duties.

ART. 51. The laws shall determine the responsibility to be incurred by public officers of all classes who infringe the rights guaranteed by this title.

ART. 52. The provisions contained in the present title shall be incorporated in the civil code as a preliminary title, and shall not be altered except by an act amending the Constitution.

TITLE IV.

OF THE RELATIONS BETWEEN CHURCH AND STATE.

ART. 53. The Catholic Church shall have power, in Colombia, to administer freely its internal affairs and to perform acts of spiritual authority and of ecclesiastical jurisdiction without the necessity of authorization from the civil power; and, as an artificial person, represented in each diocese by its respective legitimate prelate, shall also have power to perform civil acts in virtue of rights recognized by the present Constitution.

ART. 54. Priestly functions are incompatible with those of public political office. Catholic priests may, nevertheless, be employed in works of public instruction or charity.

ART. 55. Edifices intended for Catholic worship, seminaries for religious instruction, and the residences of bishops and parish priests, shall not be taxed, nor occupied for other purpose than that for which they were destined.

ART. 56. The Government shall have power to negotiate agreements with the Holy Apostolic See with a view to the adjustment of pending questions, and to define the relations between the civic and the ecclesiastical powers.

TITLE V.

OF THE NATIONAL POWERS AND THE PUBLIC SERVICE.

ART. 57. All public authorities shall be limited, and shall perform their respective functions independently.

ART. 58. The law-making power shall be vested in a congress. The congress shall be composed of a Senate and a House of Representatives.

ART. 59. The president of the Republic is the chief of the executive power, and he shall exercise it with the indispensable co-operation of the ministers. The president and the ministers, and in each particular transaction the president, with the ministers of the respective department, shall constitute the Government.

ART. 60. The judicial power shall be exercised by a supreme court, by superior district tribunals, and by such other tribunals and inferior courts as may be established by law.

The Senate shall exercise certain judicial powers.

ART. 61. No person or corporation shall, in time of peace, exercise at the same time patriotic or civil and judicial or military authority.

ART. 62. The law shall determine the special cases of incompatibility of functions; the cases of the incompatibility of public offices and the manner of making it effective; the qualifications and antecedents necessary for the exercise of certain employments, in cases not provided for by the Constitution, the conditions of promotion and retirement on pension; and the series or class of civil or military services that shall entitle to pensions from the public treasury.

ART. 63. There shall be no officer in Colombia whose duties are not defined by law or regulation.

ART. 64. No person shall receive two salaries from the public treasury, except in special cases determined by law.

ART. 65. No public officer shall enter upon the discharge of his office until he shall have sworn to maintain and defend the Constitution, and to perform the duties which are incumbent upon him.

ART. 66. No Colombian who is in the service of Colombia, shall, without the permission of his government, accept from any foreign government any office or gift, under penalty of forfeiting his employment.

ART. 67. No Colombian shall accept from a foreign government any employment or commission near the government of Colombia, without having previously obtained from the latter the necessary authorization.

TITLE VI.

OF THE ASSEMBLING AND FUNCTIONS OF CONGRESS.

ART. 68. The two houses of the legislature shall meet in ordinary session by virtue of law every two years, on the 20th of July, in the capital of the Republic.

The ordinary sessions shall continue one hundred and twenty days, after which the Government may declare the houses adjourned.

ART. 69. The two Houses shall be opened and closed publicly, and at the same time.

ART. 70. The houses shall not open their sessions nor deliberate with less than one-third of their members.

The president of the Republic in person, or through his ministers, shall open and close the houses.

This ceremony is not essential in order that congress may legitimately exercise its functions.

ART. 71. When, on the arrival of the day for assembling, the houses may not be opened because of the want of the necessary number of members, those present, sitting as a preparatory or provisional council, shall impose on the absent members such fines as may be prescribed by the two houses respectively; and the sessions shall be opened as soon as the requisite number of members shall be present.

ART. 72. Congress shall meet in extra session when summoned by the Government. In extra sessions only such business shall be considered as the Government may submit for consideration.

ART. 73. By mutual agreement of the two houses, congress may assemble in a place different from the capital, and, in case of disturbance of the public order, it may assemble in a place designated by the president of the Senate.

ART. 74. The two houses of congress shall meet as one body only for the purpose of installing the president of the Republic, and to perform the act prescribed in Article 77.

On such occasions the president of the Senate and the president of the House of Representatives shall be respectively the president and vice-president of congress.

ART. 75. All meetings of members of congress, which, for the purpose of exercising the legislative power, are held without observing the conditions prescribed by the Constitution, shall be illegal; their acts shall be null; and the members who participate in the deliberation shall be punished according to law.

ART. 76. Congress shall make the laws.

By means of these laws it exercises the following functions:

I. To interpret, amend, and repeal pre-existing laws.

II. To modify the general divisions of the territory in accordance with Articles 5 and 6, and to establish and reform, whenever proper, the other territorial divisions defined in Article 7.

III. To confer special powers upon the department assemblies.

IV. To regulate the administration of Panama.

V. To change, under extraordinary circumstances and for grave reasons of public convenience, the actual residence of the high national officers.

VI. To organize and provide for the standing army every two years in ordinary session.

VII. To create all the offices required by the public service, and to fix their respective salaries.

VIII. To regulate the public service, determining all matters referred to in Article 62.

IX. To authorize the Government to make contracts, negotiate loans, alienate national property, and exercise other functions within constitutional limits.

X. To invest the president of the Republic temporarily with such extraordinary powers as necessity may require or the public convenience demand.

XI. To provide for the national revenues, and to determine the expenses of the administration.

Each legislature shall vote a general budget.

In the budget shall not be included any item not previously decreed by law nor credit not judicially recognized.

XII. To recognize the national debt and provide for its payment.

XIII. To decree extraordinary expenses whenever necessity requires it.

XIV. To approve or reject contracts or agreements entered into by the president of the Republic with private persons, companies or political corporations, in which the national treasury is interested, if they have not been previously authorized, or if the formalities prescribed by congress have not been complied with, or if any conditions contained in the law authorizing them have been disregarded.

XV. To determine the alloy, the weight, impress and denomination of coins, and to regulate the systems of weights and measures.

XVI. To organize the public credit.

XVII. To decree the execution or continuance of public works and the erection of public monuments.

XVIII. To favor useful or beneficent enterprises which may be deemed worthy of encouragement or support.

XIX. To decree public honors to such citizens as may have rendered distinguished services to the country.

XX. To approve or reject treaties entered into by the Government with foreign powers.

XXI. To grant, by a vote of two-thirds of the members of each house, and for grave considerations of the public good, amnesties and general pardons for political offences. In case the recipient of such amnesty¹ or pardon is thereby relieved from civil responsibility to any person, the Government shall assume the burden of indemnifying such person.

XXII. To limit or regulate the appropriation or conveying of public lands.

ART. 77. Congress shall elect at its ordinary sessions, and for a term of two years, the person¹ who shall exercise the executive power in default of both president and vice-president.

ART. 78. Neither the congress nor either house thereof is permitted :

I. To direct appeals to public officers.

II. To enact laws or adopt resolutions concerning matters which are exclusively entrusted to other departments of the Government.

III. To vote approval or censure of any official act.

IV. To require the Government to communicate to it the instructions given to diplomatic agents, or to give information relative to negotiations of a private character.

¹ This person is called the "Designado."

V. To decree to any person any reward, indemnification, pension, or other pecuniary consideration which is not intended to satisfy credits or rights recognized by existing laws, except in the case provided in Article 76, Section XVIII.

VI. To enact laws of proscription or prosecution against persons or corporations.

TITLE VII.

OF THE ENACTMENT OF LAWS.

ART. 79. Laws may originate in either house on the initiative of its respective members or of the ministers of the Government.

ART. 80. Laws of the following classes shall be excepted from the provision of the preceding article :

I. Such laws as must originate only in the House of Representatives (Article 102, Section II.).

II. Such laws as relate to civil matters and to judicial proceedings, which can only be amended by bills presented by special permanent committees of either house and by ministers of the Government.

ART. 81. No legislative act shall become a law unless :

I. It shall have passed three readings and been adopted in each house, on three different days, by a majority of the members thereof.

II. It shall have obtained the approval of the Government.

ART. 82. The consideration of a law shall not be closed on its second reading, nor shall it be voted on its third reading, without the presence of an absolute majority of the members who compose the house.

ART. 83. The Government, by means of its ministers, may take part in legislative debates.

ART. 84. The judges of the Supreme Court shall be entitled to be heard in the discussion of bills relating to civil matters and judicial procedure.

ART. 85. After a bill shall have passed both houses, it shall be sent to the Government, and if approved by the Government, it shall be promulgated as a law.

ART. 86. The president of the Republic shall be allowed the term of six days within which to return a bill with objections, provided it does not contain more than fifty articles ; he shall be allowed ten days when the bill contains from fifty-one to two hundred articles, and fifteen days when the bill contains more than two hundred articles.

If the president shall not have returned the bill with objections within the term prescribed therefor, he shall approve and promulgate it. But if the houses should adjourn within the above-mentioned terms, the president shall be obliged to publish the bill, approved or rejected, within ten days after the adjournment of the congress.

ART. 87. A bill objected to as a whole by the president shall be returned by him to the houses for a third reading. If it shall have been objected to only in part, it shall be placed upon its second reading with the sole object of considering the objections of the Government.

ART. 88. The president of the Republic shall approve, without power to present new objections, any bill which shall have been reconsidered and adopted by two-thirds of the members in each house.

ART. 89. If the Government shall fail to approve the bills under the terms and according to the conditions established by this title, the president of the congress shall approve and promulgate them.

ART. 90. If a bill should be objected to on the ground that it is unconstitutional, it shall be excepted from the

provision of Article 88. In this case, if the house insist, the bill shall pass to the Supreme Court, in order that this body, within six days, may decide upon its constitutionality. If the decision of the court should be favorable to the bill, the president shall give it his approval. If the decision should be unfavorable, the bill shall fail and be removed from the calendar.

ART. 91. Bills left pending on adjournment of the sessions of one year shall not be considered except as new bills in another legislature.

ART. 92. The enacting clause of all laws shall be :
“ *The Congress of Colombia decrees :* ”

TITLE VIII.

OF THE SENATE.

ART. 93. The Senate shall be composed of three senators from each department.

Two substitutes shall be elected for each senator.

ART. 94. Senators shall be native Colombians and in the full enjoyment of their citizenship ; they shall be more than thirty years of age, and in the enjoyment of an annual income of at least two thousand and two hundred dollars, derived from property or the pursuit of an honorable occupation.

ART. 95. Senators shall be elected for the term of six years, and are re-eligible indefinitely.

The Senate shall be renewed by thirds of its members in the manner which the law may determine.

ART. 96. The Senate shall try all impeachments of public officers referred to in Article 102, Section IV., which may be presented by the House of Representatives.

ART. 97. In all trials by the Senate the following rules must be observed :

I. Whenever an accusation is publicly made, the accused shall be, *ipso facto*, suspended from his office.

II. If the accused be charged with offences committed during the performance of his public duties, or with unfitness on account of misconduct, the Senate shall not have power to impose any other penalty than removal from office, or the temporary deprivation or permanent loss of political rights; but if the accused be charged with offences which merit other penalties, he shall be tried under criminal proceedings in the Supreme Court.

III. If the accused be charged with a common crime, the Senate shall be limited to declaring whether there are grounds for proceeding against him, and in case of an affirmative decision, it shall remand him to the Supreme Court for trial.

IV. The Senate may refer the preparation of each trial to a committee of its own body, reserving to itself the judgment and final sentence, which shall be pronounced in open session by two-thirds, at least, of the senators who engage in the trial.

ART. 98. The Senate shall also be invested with the following powers:

I. To reinstate those who have forfeited their citizenship. This act of clemency, according to the case and circumstances of him who solicits it, shall have reference only to electoral rights, or also to the capacity to fill determined public offices, or jointly to the exercise of all political rights.

II. To appoint two members of the Council of State.

III. To accept or decline the resignations of the president or vice-president or *designado*.

IV. To confirm or reject nominations made by the president of the Republic of judges of the Supreme Court.

V. To confirm or reject the military appointments made by the Government, from the rank of lieutenant-colonel to that of the highest offices in the army and navy.

VI. To grant leave to the president of the Republic to be temporarily absent from the capital for other cause than sickness, or to exercise his functions outside of the capital.

VII. To permit the passage of foreign troops through the territory of the Republic.

VIII. To appoint the commissioners referred to in Article 4.

IX. To authorize the Government to declare war against another nation.

TITLE IX.

OF THE HOUSE OF REPRESENTATIVES.

ART. 99. The House of Representatives shall consist of one member for every fifty thousand inhabitants of the Republic. Two substitutes shall be elected for each representative.

ART. 100. To be eligible to the position of representative, it is required that a person be a citizen in the full exercise of the rights of citizenship, that he be more than twenty-five years of age, and that he may not have been condemned for an offence punishable with corporal punishment.

ART. 101. Representatives shall be elected for the term of four years, and they shall be re-eligible indefinitely.

ART. 102. The House of Representatives shall have the following powers :

I. To examine and pronounce finally upon the general accounts of the treasury.

II. To originate all laws for the levying of taxes and for the organization of the public ministry.

III. To appoint two councilors of state.

IV. To impeach before the Senate, whenever there may be just cause, the president and the vice-president of the Republic, the ministers of the cabinet, the councilors of state, the attorney-general of the nation, and the judges of the Supreme Court.

V. To examine charges and complaints presented to it by the attorney-general, or by private persons, against any of the above-named public officers, except the president and the vice-president, and, if found proper, to base on them impeachment before the Senate.

TITLE X.

PROVISIONS COMMON TO BOTH HOUSES AND TO THE MEMBERS THEREOF.

ART. 103. Each of the two houses shall have the following powers :

I. To make regulations for the government of its own body, and to establish the necessary preventive and coercive measures to ensure the attendance of its members.

II. To create and provide for the offices necessary for the discharge of its business.

III. To organize, when necessary, a police force for the building in which it holds its sessions.

IV. To determine whether the credentials which each member has to present on taking possession of his seat are in the form prescribed by the law.

V. To answer or not the message of the Government.

VI. To call upon the ministers for written or verbal information which may be necessary for the better discharge of their business, or to inform themselves of the acts of the administration, except as provided in Article 78, Section IV.

VII. To appoint commissioners to represent them in official acts.

VIII. To appoint speakers before the other house, in case of disagreement in the formation of a law.

IX. To approve all the resolutions that may be deemed proper within the limits prescribed in Article 78.

ART. 104. The sessions of the houses shall be public, within the limitations prescribed by law.

ART. 105. The members of both houses represent the whole nation, and should vote in the sole interest of justice and the public good.

ART. 106. The senators and representatives shall not be held responsible for their opinions and votes given in the discharge of their duties. For any expression in debate they shall be alone responsible to the house to which they belong ; they may be called to order by the presiding officer and punished in accordance with the regulations for any offence committed.

ART. 107. During the sessions of congress, and for forty days before their opening, no member of the congress shall be brought to a civil or criminal trial without the permission of the house to which he belongs. In case of being discovered in the actual commission of an offence, the delinquent may be arrested and shall be placed immediately at the disposal of the house to which he belongs.

ART. 108. The president and vice-president of the Republic, the ministers of the cabinet and the coun-
cilsors of state, the judges of the Supreme Court, the

attorney-general of the nation and the governors shall not be elected members of congress until six months after they shall have ceased to perform the duties of their respective offices.

Moreover, no person shall be senator or representative for any department or electoral district in which, three months prior to the election, he may have exercised civil, political or military jurisdiction or authority.

ART. 109. The president of the Republic shall not have power to appoint senators and representatives to any office during their respective terms, nor for one year after the expiration thereof, except the office of minister of the cabinet, councilor of state, governor, diplomatic agent, and military chief in time of war.

The acceptance of any of these offices by a member of congress shall render vacant the seat of such member.

ART. 110. Senators and representatives shall not, either directly or through a third person, make any contracts with the administration, nor shall they accept from any person the power of attorney for the negotiation of any business with the government of Colombia.

ART. 111. Whenever any senator or representative shall vacate his seat, and it shall be filled by his substitute, the former shall be entitled to the traveling expenses to the capital, and the latter to the traveling expenses to his domicile.

ART. 112. No increase in the *per diem* pay of the members nor in their traveling expenses decreed by congress, shall go into effect until after the members of the legislature in which it was voted shall have ceased to perform their functions.

ART. 113. In case of the temporary or permanent absence of a member of congress, the vacancy shall be filled by his substitute.

TITLE XI.

OF THE PRESIDENT AND VICE-PRESIDENT OF THE
REPUBLIC.

ART. 114. The president of the Republic shall be elected for a term of six years by the electoral assemblies, voting on the same day, and in the manner determined by law.

ART. 115. The president of the Republic shall possess the same qualifications as a senator.

ART. 116. The president-elect of the Republic shall take possession of his office in the presence of the president of the congress, and shall take the following oath : "I swear before God to comply faithfully with the Constitution and laws of Colombia."

ART. 117. If, for any reason, the president should not be able to take possession of his office in the presence of the president of the congress, he shall do so before the president of the Supreme Court, and failing in this, before two witnesses.

ART. 118. The president of the Republic shall exercise the following powers in relation to the legislative department :

- I. To open and close the ordinary sessions of congress.
- II. To convene congress in extraordinary sessions for serious reasons of public convenience and after previous consultation with the council of state.
- III. To present to congress at the beginning of each legislature a message on the acts of the administration.
- IV. To send at the same time to the House of Representatives the budget of the revenues and expenses, and a general account of the budget and the treasury.
- V. To give to the houses of the legislature such information as they may call for on affairs not requiring secrecy

VI. To furnish efficient aid to the houses when they demand it, placing at their disposal, if necessary, the public force.

VII. To co-operate in the enactment of laws, by presenting bills through the medium of the ministers, exercising the right to veto legislative acts, and complying with the duty to approve them, in accordance with this Constitution.

VIII. To issue decrees that shall have the force of legislative enactments, in such cases and with such formalities as are prescribed in Article 121.

ART. 119. The president of the Republic shall exercise the following powers in relation to the judiciary department :

I. To appoint the judges of the Supreme Court.

II. To appoint the judges of the superior tribunals, each one from a list of three nominations made by the Supreme Court.

III. To appoint and remove the public ministers.

IV. To see that prompt and full justice is administered throughout the Republic, furnishing the judicial officers, under the provisions of the law, with such aid as may be necessary for the enforcement of their decrees.

V. To cause to be accused before a competent tribunal, through the respective agent of the public ministry, or by a special attorney appointed for the purpose, the governor of department, or any other national or municipal officers exercising administrative or judicial duties, for any violation of the Constitution or the laws, or for other offences committed in the exercise of their functions.

VI. To commute the sentence of death, with the previous consent of the council of state, for the punishment next inferior in the penal scale, and to grant pardons for

political offences and commutations of sentence for common offences, in accordance with the laws which regulate the exercise of this power. In no case shall these pardons or commutations include the responsibility under which the beneficiaries are with respect to private persons, according to the laws.

He shall not exercise this last prerogative with respect to the ministers of the cabinet, except on a petition from one of the houses of congress.

ART. 120. The president of the Republic, as the chief executive officer of the nation, shall exercise the following power :

I. To appoint and remove, at his pleasure, the ministers of the cabinet.

II. To promulgate the laws, to obey them, and to see that they are faithfully executed.

III. To exercise his general executive power by issuing orders, decrees and resolutions necessary to the complete execution of the laws.

IV. To appoint and remove, at his pleasure, the governors.

V. To appoint two councilors of state.

VI. To appoint all persons in the national service whose appointment does not belong to other officers or corporations, according to this Constitution or laws to be hereafter enacted.

In all cases the president shall have power to appoint and remove his agents at his pleasure.

VII. To control the public force and to confer military appointments, under the restrictions imposed in Section V. of Article 98, and with the formalities established by law for regulating the exercise of this power.

VIII. To preserve public order throughout the territory, and to re-establish it if it should be disturbed.

IX. To direct, whenever he may think proper, the military operations as chief of the armies of the Republic. If he should personally exercise the military command outside of the limits of the capital, the vice-president shall then be charged with the other duties of the executive office.

X. To direct diplomatic and commercial relations with other powers and sovereigns, to appoint at his pleasure and receive the respective agents, and to negotiate treaties and conventions with foreign powers.

All treaties shall be submitted for the approval of congress, and the conventions shall be approved by the president, in the recess of the house, a favorable judgment of the ministers of the council of state having been previously obtained.

XI. To provide for the external safety of the Republic, defending the independence and honor of the nation and the inviolability of the territory; to declare war, with the consent of the Senate, or to make it without such consent, whenever it shall be necessary to repel a foreign invasion; and to conclude and ratify treaties of peace, reporting his proceeding afterward with documents to the next legislature.

XII. To permit, in the recess of the Senate, and having previously consulted the council of state, the passage of foreign troops across the territory of the Republic.

XIII. To permit, after consulting the council of state, the harboring of foreign vessels of war within the waters of the nation.

XIV. To supervise the strict collection and administration of the revenues and public funds, and to decree their disbursement according to law.

XV. To regulate, direct, and inspect the national public instruction.

XVI. To enter into administrative contracts for the engagement of services and for the execution of public works in accordance with the fiscal laws and the obligation to render an account to congress in its ordinary sessions.

XVII. To organize the national bank, and to exercise the necessary inspection over the banks of emission and other establishments of credit, in conformity with the laws.

XVIII. To permit the acceptance, by the national employés who may request it, of offices or gifts from foreign governments.

XIX. To issue letters of naturalization, in conformity with the laws.

XX. To grant patents, for prescribed periods, to the authors of useful inventions and improvements, in accordance with the laws.

XXI. To exercise the right of inspection and supervision over institutions of common utility, in order that their revenues may be preserved and properly applied, and that in all its essentials the will of the founders may be carried out.

ART. 121. In case of foreign war or of civil commotion the president may, after consultation with the council of state, and with the written consent of all the ministers, declare the public order to be disturbed, and the whole or a part of the Republic in a state of siege.

After such declaration the president shall be invested with the powers which the laws confer upon him to defend the rights of the nation or to repress disturbance, and, in case the laws are defective, he shall use the powers conferred by the law of nations. The extraordinary means or legislative decrees of a provisional character which, within the said limits, the president may

ordain, shall be obligatory, provided they bear the signatures of all the ministers.

The Government shall declare the public order re-established as soon as the commotion or foreign danger shall have ceased ; and the president shall send to congress a statement of the reasons that induced his measures. All officers shall be responsible for the abuses which may have been committed in the exercise of extraordinary powers.

ART. 122. The president of the Republic, or whosoever shall exercise the executive power in his stead, shall be responsible only in the following cases which the law shall define :

I. For acts of violence or coercion at elections.

II. For acts which may prevent the constitutional assembling of the legislative houses, or may obstruct them or other public corporations, or authorities established by this Constitution, in the exercise of their functions.

III. For acts of high treason.

In the first two cases the penalty shall be only removal from office, and if the president shall have ceased to exercise the functions of this office he shall not be re-eligible to the presidency.

No act of the president, except the appointment or removal of ministers, shall be valid and binding until it shall have been signed and promulgated by the minister to whose department it refers, who by this act becomes responsible.

ART. 123. The Senate may grant to the president a temporary leave of absence from the executive office.

The president may, on account of ill health, retire, for the time necessary to its restoration, from the exercise of the executive power, by giving previous notice

to the Senate, or, in recess of the Senate, to the Supreme Court.

ART. 124. The vice-president of the Republic shall perform the duties of the executive office during the temporary absence of the president.

In case of the permanent absence of the president the vice-president shall occupy the executive office until the expiration of the term for which he was elected.

The death or accepted resignation of the president shall be the only cases of permanent absence.

ART. 125. Whenever, in the absence of the president, the vice-president, for any reason whatsoever, shall not be able to discharge the duties of the presidency, they shall be performed by the *designado* elected by congress for each period of two years.

When, for any reason whatsoever, the congress may have failed to elect a *designado*, the *designado* who was last elected shall continue to act in that capacity.

In the absence of both the vice-president and the *designado*, the executive office shall be filled by the ministers and governors, the latter in order of proximity of their residence to the capital of the Republic. The council of state, in each case of vacancy, shall designate the minister who shall enter upon the exercise of the duties of the presidency.

ART. 126. The person in charge of the executive office shall have the same privileges and exercise the same powers as the president whose office he fills.

ART. 127. The citizen who may have been elected president of the Republic shall not be re-elected for the following term, provided he performed the duties of the presidency during the eighteen months preceding the new election.

The citizen who may have been called to exercise the powers of the presidency, and who shall have performed its duties within the six months next preceding the new election, shall not be eligible to the presidency.

ART. 128. The vice-president of the Republic shall be elected at the same time, by the same electors, and for the same term as the president.

ART. 129. The vice-president shall possess the same qualifications as the president.

ART. 130. The vice-president shall be the presiding officer of the council of state, and shall perform such other duties as shall be imposed upon him by law.

ART. 131. In case of the permanent absence of the vice-president, his office shall remain vacant until the end of his constitutional term.

TITLE XII.

OF THE MINISTERS OF THE CABINET.

ART. 132. The number, designation, and precedence of the several ministers or administrative departments, shall be determined by law.

The president shall assign to the several ministers the business that appertains to their departments respectively.

ART. 133. A minister shall possess the same qualifications as a representative.

ART. 134. The ministers are the Government's organs of communication with congress; they present bills to the houses, take part in the debates, and counsel the president in his consideration of legislative acts.

Each minister shall present to congress, within the first fifteen days of each legislature, a report on the condition of affairs appertaining to his department, and of

the reforms which experience advises should be introduced.

The house may require the assistance of the ministers.

ART. 135. The ministers, as the superior chiefs of the administration, may exercise, in certain cases, presidential authority, as the president may direct. Under their own responsibility they may annul, reform, or suspend the acts of their subordinate officers.

TITLE XIII.

OF THE COUNCIL OF STATE.

ART. 136. The council of state shall consist of seven members, to wit: The vice-president of the Republic, who shall preside, and six voting members appointed in accordance with this Constitution.

The ministers of the cabinet shall have a voice but no vote in the council.

ART. 137. The office of councilor of state is incompatible with any other effective employment.

ART. 138. The councilors of state shall hold their office for four years, and one-half of the council shall be renewed every two years.

ART. 139. The council shall be divided, for the performance of its proper duties, into sections which the law or its own regulations shall establish.

ART. 140. The law shall determine the number of substitutes for the councilors and the rules in regard to their appointment, service, and responsibility.

ART. 141. The council of state shall possess the following attributes:

I. To act as the supreme consulting body of the Government in matters of administration, and they shall be heard in all affairs committed to their advice by the

Constitution and law. The opinions of the council shall not be binding on the Government except in the case of a vote for the commutation of the death penalty.

II. To prepare bills and codes to be presented to the houses, and to propose such reforms as they may deem proper in the several branches of legislation.

III. To decide, without appeal, all controversies within the administrative department of the government, provided the law shall establish this jurisdiction either original and exclusive or appellate.

In this case the council shall have a section to whom such controversies shall be referred, and also an attorney, both to be created by law.

IV. To keep a formal register of their opinions and resolutions, and to transmit an exact copy thereof through the Government to the congress within fifteen days after the opening of the regular sessions, excepting the secret business of the council, while there may be a necessity of such secrecy.

V. To establish its own regulations, with the obligation to hold in each month as many sessions as shall be necessary to despatch the business devolving upon it.

And all such other attributes as the laws may ordain.

TITLE XIV.

OF THE PUBLIC MINISTRY.

ART. 142. The functions of the public ministry shall be exercised, under the supreme direction of the Government, by an attorney-general of the nation, by ministerial officers of the superior district tribunals, and by the other functionaries to be designated by law.

The House of Representatives shall exercise specified ministerial functions.

ART. 143. The officers of the public ministry shall defend the interests of the nation, promote the execution of the laws, judicial sentences, and administrative orders; they shall supervise the official conduct of the public employés, and prosecute those guilty of crimes and misdemeanors that disturb the social order.

ART. 144. The term of office of the attorney-general shall be three years.

ART. 145. The special functions of the attorney-general of the nation are the following:

I. To see that all the public officers in the service of the nation shall properly discharge their duties.

II. To arraign before the Supreme Court all officers who are to be tried by it.

III. To see that all the other officers of the public ministry shall faithfully discharge their duties, and to hold them to a legal responsibility for illegal acts.

IV. To appoint and remove at his pleasure his immediate subordinate officers.

And all such other functions as the law may assign to him.

TITLE XV.

OF THE ADMINISTRATION OF JUSTICE.

ART. 146. The Supreme Court shall be composed of seven judges.

ART. 147. The judges of the Supreme Court shall hold their office for life, or during good behavior. The law shall determine the causes for which they are removable, and the procedure and formalities to be observed in rendering judicial sentence in such cases.

Any judge who may accept any other office from the government shall be held to have vacated his judgeship.

ART. 148. The president of the Supreme Court shall be elected every four years by the court itself.

ART. 149. There shall be seven substitutes appointed to supply the temporary vacancies that may occur on the Supreme Bench. Whenever a permanent vacancy shall occur, either by death, resignation, or under a constitutional provision, or by judicial decree, a new appointment shall be made to supply the vacancy.

ART. 150. The judges of the Supreme Court shall be Colombians by birth and in the exercise of the full rights of citizenship; they shall be at least thirty-five years of age, and have presided as judges in one of the superior district tribunals, or in one of the tribunals of the former States, or have pursued, with credit, for five years at least, the profession of law, or have been professors of jurisprudence in some public institution.

ART. 151. The Supreme Court shall exercise the following functions:

I. To take cognizance of causes on appeal, conformably with the law.

II. To adjust all disagreements that may arise between two or more district tribunals.

III. To take cognizance of all causes in which the nation is a party, or which may involve a controversy between two or more departments.

IV. To decide, finally, upon the constitutionality of legislative acts, which may have been objected to by the Government as unconstitutional.

V. To decide, in conformity with the law, upon the validity or nullity of such ordinances enacted by the departments as may have been suspended by the Government, or denounced before the tribunals, by those interested, as subversive of civil rights.

VI. To try the high national officers who may have been accused, before the Senate, for any offence that is made triable thereby under Article 97.

VII. To take cognizance of all causes for violation of the Constitution, or laws, or for malfeasance in office, that may be instituted against diplomatic or consular agents of the Republic, governors, judges, commanders, or generals of the national forces, and the superior chiefs of the treasury office of the nation.

VIII. To take cognizance of all causes affecting diplomatic agents accredited to the government of the nation, in the cases provided for by international law.

IX. To take cognizance of all causes relating to the navigation of the sea, or of navigable rivers which touch the territory of the nation.

And all other functions which the law may assign to it.

ART. 152. The court shall appoint and remove at pleasure its subordinate officers.

ART. 153. In order to facilitate the prompt administration of justice the national territory shall be divided into judicial districts, and in each district there shall be a superior tribunal, whose formation and functions shall be determined by law.

ART. 154. In order to be a judge in the superior tribunals one must be a citizen in the exercise of his rights, at least thirty years of age, and have, for at least three years, performed judicial functions or practiced the profession of law with credit, or given instruction in law in a public institution.

ART. 155. The provisions contained in Article 147 shall apply to the judges of the superior tribunals. Said judges shall be responsible to the Supreme Court, in the manner to be determined by the law, for malfeasance in office and for the commission of all acts in derogation of official dignity.

ART. 156. The law shall organize the inferior courts, and determine their functions and terms of the judges.

ART. 157. In order to be a judge one must be a citizen in the exercise of his rights, be versed in the science of the law, and enjoy a good reputation.

The second of these requisites is not indispensable in respect to municipal judges.

ART. 158. Inferior judges shall be responsible to their respective superiors.

ART. 159. Judicial offices shall not be cumulative, and they are incompatible with the exercise of any other office of emolument, or with any participation in the practice of the law.

ART. 160. Judges shall not be suspended from the exercise of their functions except in the cases and with formalities prescribed by law, nor otherwise than by a judicial decree. Their transference to other employments shall leave their judgeship vacant.

The salaries of judges shall not be abrogated or diminished in such manner that the abrogation or diminution shall prejudice those who may be exercising said employments.

ART. 161. Every sentence shall be accompanied by the reasons therefor.

ART. 162. The law may institute juries for the trial of criminal causes.

ART. 163. Courts of commerce may be established.

ART. 164. There may be established by law tribunals with jurisdiction to resolve administrative differences, which tribunals shall take cognizance of all differences occasioned by the administrative acts of the several departments, and the council of state shall have power to decide all conflicts between the several ministries of the administration.

TITLE XVI.

OF THE PUBLIC FORCE.

ART. 165. All Colombians shall be required to bear arms when public necessity demands it, in order to defend the national independence and the institutions of the country.

The conditions which exempt from military service shall be determined by law.

ART. 166. The nation shall keep a standing army for its defense. The law shall determine the mode of filling vacancies in the army, as well as all matters relating to promotion, rights, and duties of soldiers.

ART. 167. Whenever the number of the standing army shall not be fixed by special law, the provisions of the preceding congress relating thereto shall continue in force.

ART. 168. The army is not a deliberative body. It shall not assemble except by order of the legitimate authority; it shall not petition, except on subjects which relate to the good service and morals of the army, and in accordance with laws governing the same.

ART. 169. Soldiers shall not be deprived of their rank, honors, and pensions except in the cases and in the manner which the law shall determine.

ART. 170. Courts martial or military tribunals shall take cognizance, under the laws of the military penal code, of all crimes committed by soldiers in active service, and in relation to the same service.

ART. 171. The law may organize and establish a national militia.

TITLE XVII.

OF ELECTIONS.

ART. 172. All the citizens shall elect directly municipal councilors and deputies to the departmental assemblies.

ART. 173. The citizens who may know how to read and write, or have an annual revenue of five hundred dollars, or immovable property to the value of one thousand and five hundred dollars, may vote for electors, and elect directly representatives.

ART. 174. The electors shall vote for president and vice-president of the Republic.

ART. 175. The senators shall be elected by the departmental assemblies; but in no case shall members of the said assemblies be elected who may have belonged thereto within the year in which the election may be made.

ART. 176. There shall be one elector for each one thousand inhabitants.

There shall also be one elector for each district that may contain less than one thousand inhabitants.

ART. 177. The electoral assemblies shall be renewed for each presidential election, and the persons who shall have been declared legitimate members of such assemblies shall not be deprived of the right of exercising their functions, except by a judicial decree, which shall cause the loss or suspension of the rights of citizenship.

ART. 178. For the election of representatives each department shall be divided into as many electoral districts as it may be entitled to representatives, and each district shall elect one representative.

The division to which the preceding paragraph refers shall be made by law, or, in default of this, by the Government.

Municipal districts containing more than fifty thousand inhabitants shall be constituted electoral districts, and shall elect one or more representatives according to their population.

In case the fractions of population over and above the number necessary for a representative shall, when added together, amount to more than twenty-five thousand inhabitants, the department shall elect one additional representative. The law shall fix the rules of this additional election.

ART. 179. The suffrage shall be exercised as a constitutional function. The person who votes, or elects, does not impose an obligation on the candidate, nor does he confide any trust to the officer elected.

ART. 180. There shall be judges of inquiry, vested with equity jurisdiction, who shall be empowered to decide all questions which may arise concerning the validity or nullity of election records, concerning the elections themselves, or the particular votes cast.

These judges shall be responsible for their decisions, and shall be appointed in the manner and for the term provided by law.

ART. 181. The law shall provide for the other matters concerning the elections and the examination of the same, insuring the independence of both functions; and it shall define the crimes which may impair the purity or freedom of the suffrage, and shall prescribe the proper penalties.

TITLE XVIII.

OF THE DEPARTMENTAL AND MUNICIPAL ADMINISTRATION.

ART. 182. The departments, for the administrative service, shall be divided into provinces, and the latter into municipal districts.

ART. 183. There shall be in each department an administrative body denominated a departmental assembly, composed of deputies, one for each twelve thousand inhabitants.

The law may change the preceding numerical basis for deputies.

ART. 184. The assemblies shall meet ordinarily every two years in the capital of the department.

ART. 185. The assemblies shall direct and encourage, by means of ordinances and with the resources belonging to the department, primary education and charities, the industries already established and the introduction of new ones, immigration, the importation of foreign capital, the colonization of lands belonging to the department, the opening of roads and navigable canals, the construction of railways, the utilization of forests belonging to the department, the improvement of rivers, matters relating to the local police, the superintendence of the revenues and expenses of the districts, and generally whatever relates to local interests and internal progress.

ART. 186. The assemblies of the departments may also create and abolish municipalities in accordance with the basis of population determined by law, and restrict and enlarge local municipal limits as local interests may require. If any inhabitants interested in the subject shall complain of the act of extension or restriction, the final decision in the matter shall be rendered by congress.

ART. 187. The assemblies of the departments may, by the authorization of congress, exercise other functions besides those specially belonging to them by law.

ART. 188. The property, rights, values and shares which, by law, or by decrees of the national government,

or by any other title, belonged to the late sovereign States, are hereby conveyed to the respective departments and shall belong to them during their legal existence.

The immovable property specified in Article 202 is not included in this conveyance.

ART. 189. The assemblies shall vote every two years the estimate of revenues and expenses of their respective departments, and shall, according to law, make the appropriations necessary to cover the expenses so estimated.

ART. 190. The assemblies of the departments, in order to cover the expenses of administration in the several departments, may levy taxes under the conditions and within the limits prescribed by law.

ART. 191. The ordinances enacted by the assemblies shall be enforceable and binding so long as they shall not be suspended by the governor or by judicial authority.

ART. 192. All persons injured by acts of the assemblies may have recourse to a competent tribunal, which may, as a measure of prompt relief and to avert a serious injury, suspend the act complained of.

ART. 193. In each department there shall be a governor who shall exercise the functions of the executive power as agent of the central administration on the one hand, and on the other as the superior chief of the departmental administration.

ART. 194. The governors shall be appointed for a period of three years, and they may be reappointed.

ART. 195. The governor shall be vested with the following powers :

I. To obey the orders of the Government himself, and to see that they are obeyed by others in the department.

II. To direct administrative action in the department, appointing and removing his agents, reforming and

revoking their acts, and dictating the provisions necessary in all the branches of the administration.

III. To be the organ of the department, and to represent it in political and administrative matters.

IV. To assist the administration of justice within the limits prescribed by law.

V. To exercise the right of supervision and protection over official corporations and public establishments.

VI. To approve, in the manner determined by law, the ordinances that may be enacted by the departmental assemblies.

VII. To suspend, by virtue of his office or on petition of the party aggrieved, by an order setting forth his reasons therefor, within ten days after their issue, such ordinances of the assemblies as have been enacted without authority or in violation of law or in contravention of the rights of third parties, and to submit the suspension decreed to the Government for its ratification or rejection.

VIII. To review the acts of the municipalities and those of the alcaldes, to suspend the former and to revoke the latter by orders setting forth his reasons therefor, which reasons should only be those of incompetency or illegality.

And such other powers as may be conferred upon him by law.

ART. 196. The governors shall be subject to administrative and judicial responsibility. They shall be removable by the Government, and answerable before the Supreme Court for offences which they may commit in the exercise of their functions.

ART. 197. The governor may request the aid of the armed force, and the military chief shall obey his

instructions, unless in contravention of special provisions made by the Government.

ART. 198. In each municipal district there shall be a popular corporation, which shall be designated by the name of municipal council.

ART. 199. The municipal councils shall enact such resolutions and local regulations as may be necessary for the administration of the district; they shall, in accordance with the ordinances of the assemblies, determine by vote the local taxes and expenditures; they shall keep an annual register of the population; they shall take a census whenever required by law, and they shall exercise the other functions which may be assigned to them.

ART. 200. The direction of the administration in the district belongs to the *alcalde* (mayor), a functionary who has the double character of agent of the governor and officer of the people.

ART. 201. The department of Panama shall be subject to the direct authority of the Government, and shall be administered in accordance with special laws.

TITLE XIX.

OF FINANCE.

ART. 202. The following property shall belong to the Republic of Colombia:

I. The estates, revenues, lands, valuables, rights, and shares which belonged to the Colombian Union on the fifteenth day of April, 1886.

II. The uncultivated lands, mines and salt works which belonged to the States, the property in which is now vested in the nation, without prejudice to the rights acquired by third parties from said States, or held by the latter from the nation under the title of indemnification.

III. All mines of gold, silver, platinum and precious stones that lie within the national territory, without prejudice to the rights which the discoverers or explorers may have acquired over some of them under previous laws.

ART. 203. The Republic shall be responsible for the foreign and domestic debts that have already been recognized or that may be hereafter recognized, and for the expenses of the national public service.

The law shall determine the order and manner of satisfying these obligations.

ART. 204. No indirect tax, nor any increase of such tax already existing, shall take effect until six months after the promulgation of the law establishing such tax or increase.

ART. 205. No alteration in the customs tariff shall take effect until ninety days after the approval of the law enacting it; and all increase or diminution of the import dues shall take effect by tenth parts during the ten following months.

This provision and that of the preceding article shall not limit the extraordinary powers of the government in any case in which it may be invested therewith.

ART. 206. Each ministry shall prepare, every two years, an estimate of its expenditures and deliver the same to the treasury department, from which shall be prepared the general estimate for the nation and submitted to the approval of congress, together with an estimate of the revenues from which shall be appropriated the means necessary to meet the national obligations.

If congress shall fail to vote the budget for the fiscal period of two years, the budget voted for the previous two years shall continue in force.

ART. 207. No expenditure of public money shall be made without a previous authorization thereof by congress, by the assemblies of departments, or by the municipalities ; nor shall any appropriation be diverted from the object for which it was made.

ART. 208. Whenever, in the judgment of the Government, the necessity arises for an indispensable expenditure, and the houses should not be in session, and the appropriation should not have been made or should be inadequate, a supplemental or extraordinary credit may be assigned to the respective ministry.

These credits shall be opened by the council of ministers upon proof of their necessity, and after consulting with the council of state.

Congress shall legalize these credits.

The Government may petition congress for credits additional to the budget of expenses.

TITLE XX.

OF THE AMENDMENT OF THIS CONSTITUTION AND THE ABROGATION OF THE FORMER.

ART. 209. This constitution may be amended by a legislative act, discussed first and adopted after three several readings in the usual manner by congress, submitted by the Government to the next following legislature for its definite action, and by it newly discussed and finally adopted by two-thirds of the members of both houses.

ART. 210. The constitution of the eighth of May, 1863, which is inoperative by reason of accomplished facts, is hereby abolished ; and, in the same manner, all legislative provisions in conflict with this constitution are hereby repealed.

TITLE XXI.

(ADDITIONAL)

TEMPORARY PROVISIONS.

ART. A. The first presidential term shall begin on the seventh day of August of the present year.

On the same day shall begin the first constitutional term of the vice-president of the Republic and of the *designado*.

The first constitutional term of the councilors of state and of the attorney-general of the nation shall begin on the first day of September of the present year.

The new judges of the national Supreme Court shall take possession of their offices on the first day of September of the present year.

ART. B. The first constitutional congress shall assemble on the twentieth day of July, 1888.

ART. C. As soon as this Constitution shall be adopted the national council of delegates shall assume legislative functions and others which, in accordance with this Constitution, belong to the congress, and separately, to the Senate and to the House of Representatives. Besides these functions, it shall exercise immediately that attributed to it by Article 77.

ART. D. Before the date fixed for the assembling of the first constitutional congress, the constituent national council shall exercise legislative functions whenever it may be convoked in extraordinary session by the Government.

ART. E. The members of the council of state, whose election belongs to the Senate and House of Representatives, shall be elected by the national council by two separate votes, and by voting in each of them for two members. The person in each voting, who shall have

the largest number of votes shall be declared a councilor for the term of four years, and the person receiving the next highest number of votes for the term of two years. In case of equal number of votes, it shall be decided by lot.

The two councilors whose appointment belongs to the Government shall be appointed simultaneously, and then it shall be decided by lot, before the council of ministers, which of the two shall serve for four years, and which for two.

ART. F. In the performance of the duty No. II. of the council of state, that body may add to each one of its sections one or two persons learned in the law. These persons shall cease to act as councilors on the twentieth day of July, 1888.

ART. G. The revenues and taxes which the late States of the Union had established by law shall continue the same for the respective departments so long as no other provisions are made by the legislative power.

The revenues which, by decrees of the executive power, have been destined ultimately for the service of the nation, shall be excepted from the foregoing provision.

ART. H. As long as the legislative power shall not provide otherwise, the laws existing in the several States shall continue in force in the respective departments.

After the constituent national convention shall have assumed the functions of a legislative body it shall at once proceed to enact a law in regard to the adoption of codes and the unification of the national legislation.

ART. I. The laws of the late States which may have been suspended by the late Federal Supreme Court, and those considered by said court but not suspended by a

unanimous vote, shall be referred to the council of delegates for its final decision on their validity or nullity.

ART. J. If before the enactment of a law referred to in Article H, any person should be tried for any of the offences mentioned in Article 29, the trial shall be conducted under the Code of the late State of Cundinamarca, approved October 16, 1858.

ART. K. Pending the enactment of a law regulating printing, the Government shall be empowered to prevent and suppress abuses of the press.

ART. L. All acts of a legislative character promulgated by the president of the Republic before the adoption of this Constitution shall continue in force, even though in conflict with it, so long as they are not expressly repealed by the legislative body or revoked by the Government.

ART. M. The president of the Republic shall appoint freely, the first time, the judges of the Supreme Court and of the superior tribunals, and shall submit such appointments to the approval of the national council.

ART. N. All permanent vacancies among the members of the national council from and after the date of its becoming a legislative body, shall be filled by appointments made by the governors of the departments.

ART. O. This Constitution shall go into effect with respect to the high national powers, from and after the day on which it shall be approved ; and for the nation, thirty days after its publication in the *Diario Oficial*.

Given in Bogota, August 4, 1886.

